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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,029	02/21/2002	Michael Wayne Brown	AUS920010846US1	1644
43307	7590	01/05/2005	EXAMINER TAYLOR, BARRY W	
IBM CORP (AP) C/O AMY PATTILLO P. O. BOX 161327 AUSTIN, TX 78716			ART UNIT 2643	PAPER NUMBER

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/081,029	Applicant(s) BROWN ET AL.	
	Examiner Barry W Taylor	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2,4-7,9-12,14,16-26,30-36,40-46,50-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9-12,14,16-26,30-36,40-46 and 50-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/12/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The affidavit filed on 9/20/2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the Kuhn et al (6,724,866 B2) reference.

The affidavit is unsigned therefore not considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-2, 4-7, 9-12, 14, 16-26, 30-36, 40-46 and 50-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morganstein (5,724,408) in view of Kuhn et al (6,724,866 hereinafter Kuhn).

Regarding claims 1, 6 and 11. Morganstein teaches method, comprising:

detecting a context for a call from a first party to second party (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58);

comparing the context for the call with a selection of context based criteria for particular line (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58); and

only establishing a communication channel between the first party and second party through the particular line if the context is acceptable within the selection of context based criteria (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58).

Morganstein does not explicitly show regulating calls.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine “company affiliation” of caller (columns 1-2, see server based system column 2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context

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information as well. For example, if user wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate “coin vendors” (col. 4 line 19 – col. 5 line 63). Kuhn discloses that user is able to define any type of criteria to be used as context thereby filtering telephony calls (col. 4 line 64 – col. 5 line 7).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria as taught by Kuhn for the benefit of allowing user to dynamically select desired call context to be used as filtering criteria as taught by Kuhn.

Regarding claims 2, 7 and 12. Morganstein fails to show using call screener.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine “company affiliation” of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate “coin vendors” (col. 4 line 19 – col. 5 line 63).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria as taught by Kuhn for the benefit of allowing user to dynamically select desired call context to be used as filtering criteria as taught by Kuhn.

Regarding claims 4 and 9. Morganstein allows calling party to select extension number associated with the called party (col. 4 lines 41-43).

Regarding claims 5 and 10. Morganstein shows the call processor designating the selection of context-based criteria (col. 5 lines 3-63, col. 7 lines 52-67, col. 8 lines 14-20). Kuhn also teaches a database used to lookup context based criteria (col. 5 lines 3-51).

Regarding claim 14. Morganstein fails to show third party criteria.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine "company affiliation" of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate "coin vendors" (col. 4 line 19 – col. 5 line 63).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria as taught by Kuhn for the benefit of allowing user to dynamically select desired call context to be used as filtering criteria as taught by Kuhn.

Regarding claims 16, 19 and 22. Morganstein teaches method, comprising:
detecting a context for a call from a first party to second party (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58);

comparing the context for the call with a selection of context based criteria for particular line (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58); and

only establishing a communication channel between the first party and second party through the particular line if the context is acceptable within the selection of context based criteria (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58).

Morganstein does not explicitly show call screener.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker

models (abstract). Kuhn discloses that the context for call may be used to determine "company affiliation" of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate "coin vendors" (col. 4 line 19 – col. 5 line 63).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria as taught by Kuhn for the benefit of allowing user to dynamically select desired call context to be used as filtering criteria as taught by Kuhn.

Regarding claims 17, 20 and 23. Morganstein fails to show communication between call screener and calling party.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine "company affiliation" of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user

wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate "coin vendors" (col. 4 line 19 – col. 5 line 63).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria as taught by Kuhn for the benefit of prescreening telephone calls before connecting the telephone call to called party.

Regarding claims 18, 21 and 24. Morganstein fails to show communication between call screen and called party.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine "company affiliation" of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate "coin vendors" (col. 4 line 19 – col. 5 line 63).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria as taught by Kuhn for the benefit of prescreening telephone calls before connecting the telephone call to called party.

Regarding claims 25, 35 and 45. Morganstein teaches method, system and program comprising:

detecting a context for a call from a first party to second party (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58);

comparing the context for the call with a selection of context based criteria for particular line (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58); and

only establishing a communication channel between the first party and second party through the particular line if the context is acceptable within the selection of context based criteria (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58).

Morganstein does not explicitly show regulating calls.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine “company affiliation” of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines

34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate "coin vendors" (col. 4 line 19 – col. 5 line 63).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria as taught by Kuhn for the benefit of allowing user to dynamically select desired call context to be used as filtering criteria as taught by Kuhn.

Regarding claims 26, 36 and 46. Morganstein teaches fails to uses voice to authenticate.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine "company affiliation" of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate "coin vendors" (col. 4 line 19 – col. 5 line 63).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria as taught by Kuhn for the benefit of eliciting speech from caller thereby authenticating before connecting to called party as taught by Kuhn.

Regarding claims 30, 40 and 50. Morganstein teaches the processor (10 figure 1) can be located locally (see PBX 14 figure 1).

Regarding claims 31, 41 and 51. Morganstein fails to show using external database. Kuhn discloses databases locally or external (col. 2 lines 32-34). It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria stored at server as taught by Kuhn for the benefit of prescreening telephone calls via querying server database before connecting the telephone call to called party.

Regarding claims 32, 42 and 52. Morganstein shows prompting caller for particular extension path to connect (see PBX 14 used to direct incoming call to path 24 or path 25).

Regarding claims 33, 43 and 53. Morganstein fails to show controlling access.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine "company affiliation" of caller (columns 1-2). Kuhn further shows context used to

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determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate "coin vendors" (col. 4 line 19 – col. 5 line 63).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use context based criteria as taught by Kuhn for the benefit of eliciting speech from caller thereby authenticating before connecting to called party as taught by Kuhn.

Regarding claims 34, 44 and 54. Morganstein fails to teach monitoring call.

Kuhn cites Morganstein (see References cited by Morganstein) wherein call screener used to elicit speech from incoming caller whereby the telephony system routes calls based on comparison of the elicited speech to a set of stored speaker models (abstract). Kuhn discloses that the context for call may be used to determine "company affiliation" of caller (columns 1-2). Kuhn further shows context used to determine different classes of callers whereby different actions to be taken (col. 2 lines 34-64, col. 3 lines 3-4). Kuhn even discloses regulating based upon time context (col. 4 lines 37-63). Kuhn allows for dynamic context information as well. For example, if user wants to regulate calls from a rare coin vendor, the user simply creates context information to be used to regulate "coin vendors" (col. 4 line 19 – col. 5 line 63). Furthermore, Kuhn teaches "passive" mode wherein context data automatically created

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and "proactive" mode wherein user prompt to make decision on whether or not the monitored call context data be stored (col. 5 lines 26-51).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use automatically store context based criteria as taught by Kuhn for the benefit of prompting user if he or she would like to store the context data to be used in future call screening.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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3. Claims 1-2, 4-7, 9-12, 14, 16-26, 30-36, 40-46 and 50-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morganstein (5,724,408) in view of Kurganov (6,807,257).

Regarding claims 1, 6 and 11. Morganstein teaches method, comprising:

detecting a context for a call from a first party to second party (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58);

comparing the context for the call with a selection of context based criteria for particular line (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58); and

only establishing a communication channel between the first party and second party through the particular line if the context is acceptable within the selection of context based criteria (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58).

Morganstein does not explicitly show regulating calls.

Kurganov teaches a method and apparatus for a computer and telecommunication network (Title, abstract) that allows subscribers the ability to send and receive messages, access information and entertainment, conduct business transactions, organize daily schedules and stay in touch with homes and offices from

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anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col. 2 lines 24-34). Kurganov discloses the network-based solution provides a contact database facilitating the placing of calls, screening of calls, and tracking you down wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition software, standard touchtones and internet for allowing subscribers access to features (col. 4 line 64 – col. 6 line 67).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use the network based solution as taught by Kurganov for the benefit of allowing user to subscribe to network based service as taught by Kurganov thereby providing for a more flexible system that allows subscribers the ability to stay in touch with homes and offices from any location as taught by Kurganov.

Regarding claims 2, 7 and 12. Morganstein fails to show using call screener. Kurganov teaches a method and apparatus for a computer and telecommunication network (Title, abstract) that allows subscribers the ability to send and receive messages, access information and entertainment, conduct business transactions, organize daily schedules and stay in touch with homes and offices from anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col. 2 lines 24-34). Kurganov discloses the network-based solution provides a contact database facilitating the placing of calls, screening of calls, and tracking you down wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition software, standard

touchtones and internet for allowing subscribers access to features (col. 4 line 64 – col. 6 line 67).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use the network based solution as taught by Kurganov for the benefit of allowing user to subscribe to network based service as taught by Kurganov thereby providing for a more flexible system that allows subscribers the ability to stay in touch with homes and offices from any location as taught by Kurganov.

Regarding claims 4 and 9. Morganstein allows calling party to select extension number associated with the called party (col. 4 lines 41-43).

Regarding claims 5 and 10. Morganstein shows the call processor designating the selection of context-based criteria (col. 5 lines 3-63, col. 7 lines 52-67, col. 8 lines 14-20).

Regarding claim 14. Morganstein fails to show third party criteria.

Kurganov teaches a method and apparatus for a computer and telecommunication network (Title, abstract) that allows subscribers the ability to send and receive messages, access information and entertainment, conduct business transactions, organize daily schedules and stay in touch with homes and offices from anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col. 2 lines 24-34). Kurganov discloses the network-based solution provides a contact database facilitating the placing of calls, screening of calls, and tracking you down

wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition software, standard touchtones and internet for allowing subscribers access to features (col. 4 line 64 – col. 6 line 67).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use the network based solution as taught by Kurganov for the benefit of allowing user to subscribe to network based service as taught by Kurganov thereby providing for a more flexible system that allows subscribers the ability to stay in touch with homes and offices from any location as taught by Kurganov.

Regarding claims 16, 19 and 22. Morganstein teaches method, comprising:
detecting a context for a call from a first party to second party (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58);

comparing the context for the call with a selection of context based criteria for particular line (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58); and

only establishing a communication channel between the first party and second party through the particular line if the context is acceptable within the selection of context based criteria (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5

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lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58).

Morganstein does not explicitly show call screener.

Kurganov teaches a method and apparatus for a computer and telecommunication network (Title, abstract) that allows subscribers the ability to send and receive messages, access information and entertainment, conduct business transactions, organize daily schedules and stay in touch with homes and offices from anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col. 2 lines 24-34). Kurganov discloses the network-based solution provides a contact database facilitating the placing of calls, screening of calls, and tracking you down wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition software, standard touchtones and internet for allowing subscribers access to features (col. 4 line 64 – col. 6 line 67).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use the network based solution as taught by Kurganov for the benefit of allowing user to subscribe to network based service as taught by Kurganov thereby providing for a more flexible system that allows subscribers the ability to stay in touch with homes and offices from any location as taught by Kurganov.

Regarding claims 17, 20 and 23. Morganstein fails to show communication between call screener and calling party.

Kurganov teaches a method and apparatus for a computer and telecommunication network (Title, abstract) that allows subscribers the ability to send and receive messages, access information and entertainment, conduct business transactions, organize daily schedules and stay in touch with homes and offices from anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col. 2 lines 24-34). Kurganov discloses the network-based solution provides a contact database facilitating the placing of calls, screening of calls, and tracking you down wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition software, standard touchtones and internet for allowing subscribers access to features (col. 4 line 64 – col. 6 line 67).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use the network based solution as taught by Kurganov for the benefit of allowing user to subscribe to network based service as taught by Kurganov thereby providing for a more flexible system that allows subscribers the ability to stay in touch with homes and offices from any location as taught by Kurganov.

Regarding claims 18, 21 and 24. Morganstein fails to show communication between call screen and called party.

Kurganov teaches a method and apparatus for a computer and telecommunication network (Title, abstract) that allows subscribers the ability to send and receive messages, access information and entertainment, conduct business transactions, organize daily schedules and stay in touch with homes and offices from anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col. 2 lines 24-34). Kurganov discloses the network-based solution provides a contact database facilitating the placing of calls, screening of calls, and tracking you down wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition software, standard touchtones and internet for allowing subscribers access to features (col. 4 line 64 – col. 6 line 67).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use the network based solution as taught by Kurganov for the benefit of allowing user to subscribe to network based service as taught by Kurganov thereby providing for a more flexible system that allows subscribers the ability to stay in touch with homes and offices from any location as taught by Kurganov.

Regarding claims 25, 35 and 45. Morganstein teaches method, system and program comprising:

detecting a context for a call from a first party to second party (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58);

comparing the context for the call with a selection of context based criteria for particular line (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58); and

only establishing a communication channel between the first party and second party through the particular line if the context is acceptable within the selection of context based criteria (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58).

Kurganov teaches a method and apparatus for a computer and telecommunication network (Title, abstract) that allows subscribers the ability to send and receive messages, access information and entertainment, conduct business transactions, organize daily schedules and stay in touch with homes and offices from anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col. 2 lines 24-34). Kurganov discloses the network-based solution provides a contact database facilitating the placing of calls, screening of calls, and tracking you down wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition software, standard touchtones and internet for allowing subscribers access to features (col. 4 line 64 – col. 6 line 67).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use the network based solution as taught by Kurganov for the benefit of allowing user to subscribe to network

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based service as taught by Kurganov thereby providing for a more flexible system that allows subscribers the ability to stay in touch with homes and offices from any location as taught by Kurganov.

Regarding claims 26, 36 and 46. Morganstein teaches fails to uses voice to authenticate.

Kurganov teaches a method and apparatus for a computer and telecommunication network (Title, abstract) that allows subscribers the ability to send and receive messages, access information and entertainment, conduct business transactions, organize daily schedules and stay in touch with homes and offices from anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col. 2 lines 24-34). Kurganov discloses the network-based solution provides a contact database facilitating the placing of calls, screening of calls, and tracking you down wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition software, standard touchtones and internet for allowing subscribers access to features (col. 4 line 64 – col. 6 line 67).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use the network based solution as taught by Kurganov for the benefit of allowing user to subscribe to network based service as taught by Kurganov thereby providing for a more flexible system that

allows subscribers the ability to stay in touch with homes and offices from any location as taught by Kurganov.

Regarding claims 30, 40 and 50. Morganstein teaches the processor (10 figure 1) can be located locally (see PBX 14 figure 1).

Regarding claims 31, 41 and 51. Morganstein fails to show using external database. Kurganov teaches a method and apparatus for a computer and telecommunication network (Title, abstract) that allows subscribers the ability to send and receive messages, access information and entertainment, conduct business transactions, organize daily schedules and stay in touch with homes and offices from anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col. 2 lines 24-34). Kurganov discloses the network-based solution provides a contact database facilitating the placing of calls, screening of calls, and tracking you down wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition software, standard touchtones and internet for allowing subscribers access to features (col. 4 line 64 – col. 6 line 67).

Regarding claims 32, 42 and 52. Morganstein shows prompting caller for particular extension path to connect (see PBX 14 used to direct incoming call to path 24 or path 25).

Regarding claims 33, 43 and 53. Morganstein fails to show controlling access.

Kurganov teaches a method and apparatus for a computer and telecommunication network (Title, abstract) that allows subscribers the ability to send and receive messages, access information and entertainment, conduct business transactions, organize daily schedules and stay in touch with homes and offices from anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col. 2 lines 24-34). Kurganov discloses the network-based solution provides a contact database facilitating the placing of calls, screening of calls, and tracking you down wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition software, standard touchtones and internet for allowing subscribers access to features (col. 4 line 64 – col. 6 line 67).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use the network based solution as taught by Kurganov for the benefit of allowing user to subscribe to network based service as taught by Kurganov thereby providing for a more flexible system that allows subscribers the ability to stay in touch with homes and offices from any location as taught by Kurganov.

Regarding claims 34, 44 and 54. Morganstein fails to teach monitoring call.

Kurganov teaches a method and apparatus for a computer and telecommunication network (Title, abstract) that allows subscribers the ability to send and receive messages, access information and entertainment, conduct business transactions, organize daily schedules and stay in touch with homes and offices from anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col.

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2 lines 24-34). Kurganov discloses the network-based solution provides a contact database facilitating the placing of calls, screening of calls, and tracking you down wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition software, standard touchtones and internet for allowing subscribers access to features (col. 4 line 64 – col. 6 line 67).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein to use the network based solution as taught by Kurganov for the benefit of allowing user to subscribe to network based service as taught by Kurganov thereby providing for a more flexible system that allows subscribers the ability to stay in touch with homes and offices from any location as taught by Kurganov.

Regarding claim 55. Kurganov teaches context comprises location of subscribers (col. 3 lines 5-10, col. 4 lines 20-24, col. 4 lines 41-52, col. 5 lines 9-22, col. 5 lines 42-65, col. 5 line 65 – col. 6 line 36, col. 6 line 53 – col. 7 line 2, col. 7 lines 29-48).

4. Claims 55-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morganstein (5,724,408) in view of Kurganov (6,807,257) further in view of Farris et al (6,122,357 hereinafter Farris).

Regarding claims 55 and 60. Morganstein in view of Kurganov fail to teach the context comprises location of the caller and callee.

Farris teaches providing enhanced services through double SIV and personal dial tone (title, abstract) wherein the identity of a caller and callee is determined via speaker identification/verification (SIV) on audio signals received from users (col. 11 lines 32-42, col. 35 lines 18-40) enabling for call restrictions to be implanted from any location and different types of telephony devices (see pay-phone or hotel room telephony---column 14). Farris discloses the service may be utilize a variety of different networks (col. 8 lines 12-14).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein in view of Kurganov to use double SIV as taught by Farris for the benefit of authenticating both the calling and callee parties thereby providing for a more flexible system that "challenges" both the callee and calling party before implementing call restrictions as taught by Farris.

Regarding claims 56, 61 and 65. Morganstein in view of Kurganov fail to teach the actual identify of calling and called party.

Farris teaches providing enhanced services through double SIV and personal dial tone (title, abstract) wherein the identity of a caller and callee is determined via speaker identification/verification (SIV) on audio signals received from users (col. 11 lines 32-42, col. 35 lines 18-40) enabling for call restrictions to be implanted from any location and different types of telephony devices (see pay-phone or hotel room telephony---column 14). Farris discloses the service may be utilize a variety of different networks (col. 8 lines 12-14).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein in view of Kurganov to use double SIV as taught by Farris for the benefit of authenticating both the calling and callee parties thereby providing for a more flexible system that “challenges” both the callee and calling party before implementing call restrictions as taught by Farris.

Regarding claims 57 and 62. Morganstein in view of Kurganov fail to teach type of telephony device.

Farris teaches providing enhanced services through double SIV and personal dial tone (title, abstract) wherein the identity of a caller and callee is determined via speaker identification/verification (SIV) on audio signals received from users (col. 11 lines 32-42, col. 35 lines 18-40) enabling for call restrictions to be implanted from any location and different types of telephony devices (see pay-phone or hotel room telephony---column 14). Farris discloses the service may be utilize a variety of different networks (col. 8 lines 12-14).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein in view of Kurganov to use double SIV as taught by Farris for the benefit of authenticating both the calling and callee parties thereby providing for a more flexible system that “challenges” both the callee and calling party before implementing call restrictions as taught by Farris.

Regarding claims 58 and 63. Morganstein in view of Kurganov fail to teach type of billing plan.

Farris teaches providing enhanced services through double SIV and personal dial tone (title, abstract) wherein the identity of a caller and callee is determined via speaker identification/verification (SIV) on audio signals received from users (col. 11 lines 32-42, col. 35 lines 18-40) enabling for call restrictions to be implanted from any location and different types of telephony devices (see pay-phone or hotel room telephony---column 14). Farris discloses the service may be utilize a variety of different networks (col. 8 lines 12-14).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein in view of Kurganov to use double SIV as taught by Farris for the benefit of authenticating both the calling and callee parties thereby providing for a more flexible system that "challenges" both the callee and calling party before implementing call restrictions as taught by Farris.

Regarding claims 59 and 64. Morganstein in view of Kurganov fail to teach type of device.

Farris teaches providing enhanced services through double SIV and personal dial tone (title, abstract) wherein the identity of a caller and callee is determined via speaker identification/verification (SIV) on audio signals received from users (col. 11 lines 32-42, col. 35 lines 18-40) enabling for call restrictions to be implanted from any location and different types of telephony devices (see pay-phone or hotel room telephony---column 14). Farris discloses the service may be utilize a variety of different networks (col. 8 lines 12-14).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to modify the processor as taught by Morganstein in view of Kurganov to use double SIV as taught by Farris for the benefit of authenticating both the calling and callee parties thereby providing for a more flexible system that "challenges" both the callee and calling party before implementing call restrictions as taught by Farris.

Response to Arguments

5. Applicant's arguments with respect to claims 1-2, 4-7, 9-12, 14, 16-26, 30-36, 40-46 and 50-54 have been considered but are moot in view of the new ground(s) of rejection.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (703) 305-4811, who is available Monday-Friday, 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached at (703) 305-4708. The facsimile phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Barry W. Taylor". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Barry W. Taylor
Patent Examiner
Technology Center 2600
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